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Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Letter dated 30 April 2009 from the Secretary-General addressed to the President of the General Assembly

I have the honour to refer to General Assembly resolution ES-10/17 of 15 December 2006 concerning the establishment of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory. In accordance with the provisions of paragraph 6 (h) of the resolution, I have the honour to transmit herewith a progress report from the Board of the United Nations Register of Damage (see annex).

I should be grateful if you would bring the attached report to the attention of the members of the General Assembly.

(*Signed*) **Ban** Ki-moon

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Annex

Letter dated 9 April 2009 from the members of the Board of the United Nations Register of Damage addressed to the Secretary-General

We have the honour to render herewith a progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory for transmission to the General Assembly in accordance with paragraph 6 (h) of resolution ES-10/17 (see enclosure).

(*Signed*) Ronald **Bettauer**
Member of the Board

(*Signed*) Harumi **Hori**
Member of the Board

(*Signed*) Matti **Pellonpää**
Member of the Board

Enclosure

Progress report of the Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory

9 April 2009

The Board of the United Nations Register of Damage Caused by the Construction of the Wall in the Occupied Palestinian Territory renders this progress report in accordance with paragraph 6 (h) of General Assembly resolution ES-10/17.

Following the appointment of the three-member Board in May 2007 and of the Executive Director in January 2008, the Office of the Register of Damage, established at the site of the United Nations Office at Vienna, has been fully operational since June 2008 with a small team of 18 substantive and technical staff.

Guided by provisions of General Assembly resolution ES-10/17, relevant findings of the International Court of Justice's advisory opinion rendered on 9 July 2004 and general principles of international law and due process, the Board adopted provisional rules of procedure for claims registration and a claim form for registration of damage and began the work of collecting claim forms and considering them for inclusion in the Register.

The Executive Director of the Office of the Register visited the Occupied Palestinian Territory and held in-depth consultations with the Palestinian Authority, the Palestinian National Committee for the Register of Damage, local officials and representatives of civil society on all aspects of the implementation of the mandate of the Office. The Register has the full support and cooperation of Palestinian authorities, particularly the local mayors and councils.

The Government of Israel maintains its well known position of not cooperating with the Office of the Register and considering that any claims in relation to damage caused by the construction of the wall should be addressed through the existing Israeli mechanism. At the same time, on a practical level, the Office of the Register has not experienced any difficulties in carrying out its activities as outlined in General Assembly resolution ES-10/17.

Since the Office of the Register of Damage is located at Vienna, the main operational challenge to the implementation of its mandate was to make arrangements for conducting outreach and claim intake activities in the Occupied Palestinian Territory, including in and around East Jerusalem, in an efficient, independent and impartial manner. The Board of the Register of Damage acknowledged the need to set up a small team of locally recruited United Nations claim intakers for the collection of claim forms of Registration of Damage. Consequently, the team, which consists of a few locally recruited claim intakers and an internationally recruited project manager, was set up by the United Nations Office for Project Services in Ramallah at the request of the Office of the Register.

Following a training session in Vienna run by staff of the Office of the Register, the team commenced outreach and claim intake activities in Jenin governorate in the West Bank, which had been the earliest affected by the construction of the wall. This included dissemination of leaflets and posters, meetings with local officials and potential claimants and technical assistance in

filling in the claim forms for registration of damage. Since the collection of claims commenced at the end of November 2008, more than 1,000 claim forms have been collected and delivered to the Office of the Register at Vienna, as at 9 April 2009.

From 15 to 19 December 2008, the Board met at Vienna and reviewed the first 30 claim forms, which had been translated from Arabic into English, processed through the Register's electronic database and reviewed by staff of the Office. The Board decided to include losses set out in each of those forms in the Register. This decision signified the beginning of existence of the Register of Damage.

From 6 to 9 April 2009, the Board met at Vienna and reviewed an additional 240 claim forms, which had been translated, processed and reviewed by Office staff. The Board decided to include losses set out in each of those forms in the Register except for two claim forms where none of the losses met the eligibility criteria.

The Board of the Register of Damage will continue to render periodic reports.

Members of the Board of the Register of Damage